

FLATHEAD COUNTY PLANNING AND ZONING OFFICE
CONDITIONAL USE PERMIT REPORT (#FCU-15-06)
KATI O'TOOLE & DARIN ROBISON
AUGUST 18, 2015

This is a report to the Flathead County Board of Adjustment regarding a request from Kati O'Toole & Darin Robison for a conditional use permit to establish a 'camp and retreat center' on the subject property. The subject property is located within the Southeast Rural Whitefish Zoning District and is zoned 'SAG-10 Suburban Agricultural.'

The Flathead County Board of Adjustment will hold a public hearing on the proposed conditional use on September 1, 2015 beginning at 6:00 P.M. in the 2nd floor conference room of the Earl Bennett Building, 1035 First Avenue West, Kalispell. Documents pertaining to this file are available for public inspection in the Flathead County Planning and Zoning Office, also located on the second floor of the Earl Bennett Building.

I. APPLICATION REVIEW UPDATES

A. Land Use Advisory Committee/Council

The proposed land use is not located within the advisory jurisdiction of a Land Use Advisory Committee.

B. Board of Adjustment

This space is reserved for an update regarding the September 1, 2015 Flathead County Board of Adjustment review of the proposal.

II. GENERAL INFORMATION

A. Application Personnel

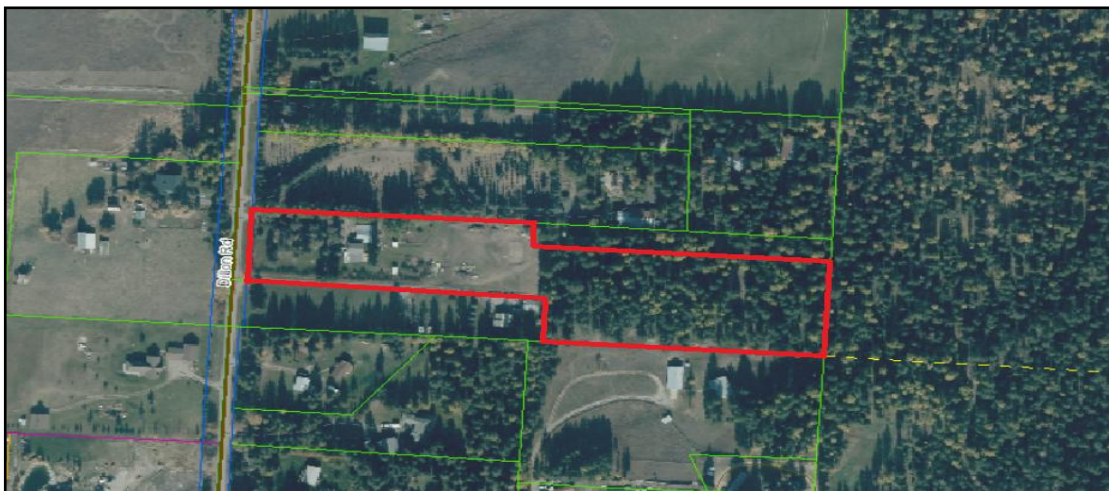
i. Landowner/Applicant

Kathleen O'Toole & Darin Robison
2215 Dillon Rd
Columbia Falls, MT 59912

B. Property Location and Size

The subject property is located at 2215 Dillon Rd in Columbia Falls, MT (see Figure 1 below). The property is approximately 7.098 acres in size and can be legally described as Tract 5AB in Section 10, Township 30 North, Range 21 West, P.M.M., Flathead County, Montana.

Figure 1: Subject property (outlined in red)



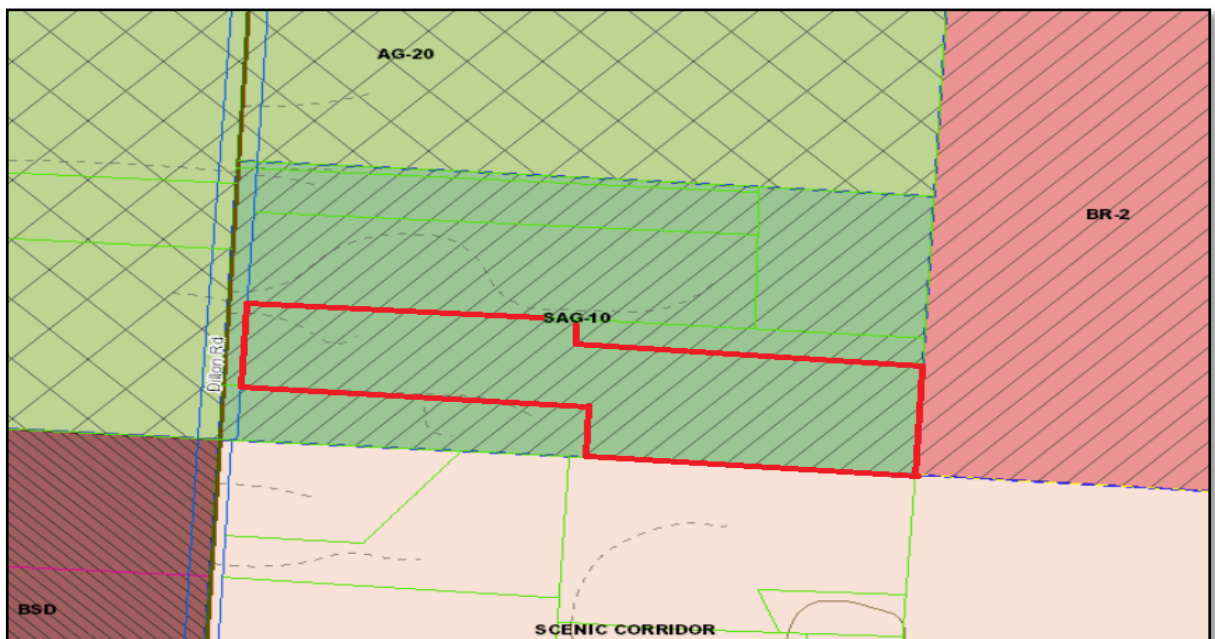
C. Existing Land Use(s) and Zoning

The property is located within the Southeast Rural Whitefish Zoning District and is zoned ‘SAG-10 Suburban Agricultural.’ SAG-10 is defined as, “*A district to provide and preserve agricultural functions and to provide a buffer between urban and unlimited agricultural uses, encouraging separation of such uses in areas where potential conflict of uses will be minimized, and to provide areas of estate-type residential development.*” The property is currently developed as residential with a single-family dwelling, a garage, and three sheds. The western half of the property is currently residential development and the eastern half of the property is undeveloped, forested land.

D. Adjacent Land Use(s) and Zoning

Land to the north of the subject property is similarly zoned SAG-10 Suburban Agricultural, land to the east of the subject property is zoned BR-2 Business Resort, land to the south of the subject property is zoned SC Scenic Corridor, and land to the east of the subject property is zoned AG-20 Agricultural. The general character of the surrounding area is mixed use including residential with single family dwellings, agricultural, and businesses. Most of the properties in the immediate vicinity appear to be somewhat forested.

Figure 2: Zoning surrounding the subject property (outlined in red)



E. Summary of Request

The applicants intend to build up to three treehouses in addition to the existing residential land use and operate a “Treehouse Retreat” on the subject property open to the general public for weekly rentals. The camp and retreat center would be contained in the back 4 acres of the property which is undeveloped, forested land. In addition to the treehouse units, the applicant is proposing to construct walking/cross country ski trails, a communal campfire area, a rock sauna, a tipi lounge, and host a ‘locally sourced’ communal dinner for the customers. The applicant is requesting a conditional use permit to allow for a camp and retreat center to be placed on the subject property pursuant to Section 7.04.010 and Section 4.03 of the Flathead County Zoning Regulations (FCZR). A camp and retreat center is defined under Section 7.04.010 FCZR as “*A land use to provide camping or retreat center*

activities characterized by a rural setting in a rustic environment. Uses are primarily seasonal, but they shall not be limited to such. The uses permitted may be affiliated with the organization running the camp or retreat center, however, the general public is not restricted from such use." The placement of a camp and retreat center in a SAG-10 zone requires the issuance of a Conditional Use Permit, the review of which is subject to specific guidelines set forth under Section 2.06.080 FCZR regarding criteria for the issuance of a Conditional Use Permit and conditional use standards for a camp and retreat center found in Section 4.03 FCZR.

F. Compliance With Public Notice Requirements

Notification was mailed to property owners within 150 feet of the subject property on August 14, 2015, pursuant to Section 2.06.040(3) of the Flathead County Zoning Regulations. Legal notice of the public hearing on this application was published in the August 16, 2015 edition of the Daily Interlake.

G. Agency Referrals

Referrals were sent to the following agencies on July 27, 2015:

- Montana Department of Transportation
 - Reason: Access to Dillon Road exists via Highway 40 and thus has potential to impact MDT facilities.
- Flathead County Road and Bridge Department
 - Reason: The property accesses onto Dillon Road which is a county road, and therefore this request has the potential to impact county facilities.
- Flathead County Solid Waste (FCSW)
 - Reason: The property is located within the department's jurisdiction and has the potential to impact county facilities.
- Columbia Falls Rural Fire Department
 - Reason: The property is located within the department's jurisdiction and has the potential to impact Columbia Falls Rural Fire Department response.
- Flathead City-County Environmental Health Department
 - Reason: The property is located within the department's jurisdiction.
- Flathead County Weeds and Parks Department
 - Reason: The property is located within the department's jurisdiction and new construction could lead to the development of weeds on the subject property.
- Flathead County Sheriff's Office
 - Reason: The property is located within the department's jurisdiction and has the potential to impact county facilities.
- Bonneville Power Administration
 - Reason: The BPA has requested a copy of all agency referrals.

III. COMMENTS RECEIVED

A. Public Comments

No written public comments have been received to date regarding the conditional use permit request. It is anticipated any individual wishing to provide public comment on the proposal will do so during the public hearing scheduled for September 1, 2015. Any written comments received following the completion of this report will be provided to the Board and summarized during the public hearing.

B. Agency Comments

The following is a summarized list of agency comment received as of the date of the completion of this staff report:

- Bonneville Power Administration
 - Comment: “In reviewing the proposed plan, it appears this request will not affect any BPA facilities located within this area. BPA does not have any objections to the approval of this request at this time.” Email dated August 4, 2015.
- Flathead City-County Health Department
 - Comment: “This office has reviewed the information provided and submits the following comments: 1. The proposed addition of three (3) treehouses rented to the public on a short-term basis (less than 30 days) would require review under the Sanitation in Subdivisions Act (MCA 76-4-1). The parcel has an existing Certificate of Subdivision Approval for one (1) single family dwelling with individual onsite water and wastewater treatment. Review requires increased water, wastewater treatment, storm water drainage and solid waste disposal to be addressed. 2. This type of facility requires licensure through the State of Montana for operation of a Public Accommodation. This license must be obtained before operation.” Letter dated July 27, 2015.
- Flathead County Road and Bridge Department
 - Comment: “At this point the County Road Department does not have any comments on this request.” Letter dated August 5, 2015.

IV. CRITERIA REQUIRED FOR CONSIDERATION

Per Sections 2.06.080 and 2.06.100 of the Flathead County Zoning Regulations, what follows are criteria required for consideration of a Conditional Use Permit and suggested findings of fact based on review of each criterion.

A. Site Suitability

i. Adequate usable space

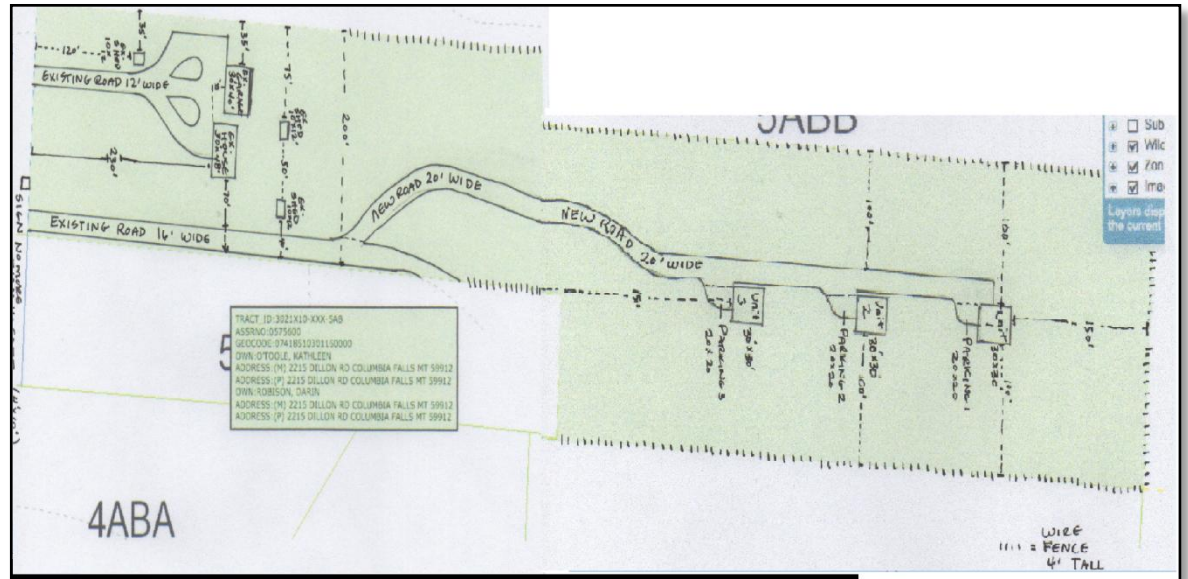
The subject property is approximately 7.098 acres in size and is currently developed as residential with a single-family dwelling, a garage, and three sheds. The applicant is proposing to build three treehouse structures in addition to the existing structures. The existing single-family dwelling covers approximately 1440 square feet, the existing garage covers approximately 1200 square feet and the three existing sheds cover a combined total of approximately 360 square feet. The three proposed tree houses will be identical structures each covering 900 square feet for a combined total of approximately 2700 square feet. The permitted lot coverage in the SAG-10 zone is 20%. The total proposed lot coverage of the subject property is approximately 6,600 square feet or 2.1 percent.

The proposed gravel parking areas will be adjacent to each of the three treehouse units and will be approximately 20 feet by 20 feet each and cover 1200 square feet total, so the total area required for the parking lot and buildings is 7,800 square feet.

The minimum yard requirements within the SAG-10 zoning are 20 feet for front, side, rear and side corner yards for the principal structure. The setbacks for accessory structures are 20 feet from front and side corner yards and 5 feet for side and rear

yards. An additional 20 foot setback is required from streams, rivers and unprotected lakes. The property is not located near any identified streams, rivers or unprotected lakes. Based upon staff's site visit and the submitted site plan, it appears the subject property has adequate useable space to accommodate the camp and retreat center in compliance with the setback and lot coverage requirements of the SAG-10 zone.

Figure 3: Site Plan



Finding #1 – There appears to be adequate usable space for the proposed use because the use will only cover 6,600 square feet of the 7.098 acre lot and does meet the applicable setback and lot coverage requirements.

ii. Adequate access

The property has access via Dillon Road, a paved, two-lane county collector road within a 60 feet easement with an existing approach from Highway 40. Dillon Road appears to be maintained and because of the low speeds on the road there appears to be adequate site distances for traffic entering and exiting the property.

Figure 4: Proposed camp and retreat access off of Dillon Road



The proposed camp and retreat will utilize a different access on the property than the access currently utilized for the residence. The proposed access for the camp and retreat center is an existing 16 feet wide gravel driveway running parallel to the southern boundary line of the property and a proposed 20 feet wide gravel track driveway off of the existing driveway to access the proposed treehouses located in the back eastern half of the property. The existing driveway proposed as the access for the camp and retreat center currently serves as the access for the neighboring residential property directly south of the subject property, via a 20 feet wide road and utility easement, so the proposed camp and retreat center would share the access with property owner immediately south of the subject property.

According to FCZR Section 6.16.010, “access to business, service stations, roadside stands, public parking lots and all other business requiring motor vehicle access shall meet the requirements as hereinafter provided or as applicable of the Montana Department of Transportation or Flathead County Road and Bridge Department (whichever requirements are more stringent).” Consequently, FCZR Section 6.16.020(3) states, “Each roadway shall be not more than 36 feet in width measured at right angles to the center line of the driveway, except as increased by permissible curb return radii. The entire flare of any return radius shall fall within the right-of-way. No roadway shall be less than 10 feet wide for one-way traffic or 20 feet wide for two-way traffic.” Consequently, the applicant would be required to widen the existing 16 feet wide driveway to 20 feet to allow for two-way traffic as the access appears to be the only means for ingress and egress to the camp and retreat center.

Finding #2 – The access to the property is not currently suitable for the proposed use because the access off of Dillon Road for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 feet in width and a minimum of 20 feet in width is required to accommodate two-way traffic for a business.

iii. Absence of environmental constraints

The subject property is relatively flat with a significant wooded portion occupying the rear western half. According to FEMA FIRM panels 30029C1410G & 30029C1095G the subject property is situated in an un-shaded Zone X, which is classified as an area outside the 500-year floodplain. Additionally, there appears to be no wetlands, streams, or creeks located on the subject property. There are no apparent environmental constraints that would affect the proposed use.

Finding #3 – The subject property appears suitable for the camp and retreat center because the site is absent of typical environmental constraints which could adversely impact or limit the suitability of the property for the proposed use.

B. Appropriateness of design

i. Parking scheme

FCZR Section 6.03.030 states that for hotels, motels, and cabins there is a requirement of, “ 1 space per guest room plus 1 space for every 2 employees per maximum shift.: The applicant has stated that there will be 3 separate parking areas each containing 2 car spaces to accommodate the 3 treehouses on the subject property. One parking area will be located at the base of each treehouse unit. The proposed parking areas adjacent

to the treehouses will be approximately 20 feet by 20 feet each. This exceeds the parking space requirements for 2 standard vehicles outlined in FCZR Section 6.01.010(2)(A) which would only require 18 feet by 20 feet to accommodate two standard vehicles. The access for the existing residence on the property is shown as being entirely separate from the access for the proposed camp and retreat center and, therefore, is not being considered in this staff report. Based on staff's site visit and the submitted site plan the parking schemes appears to be appropriate and would accommodate the parking required.

Finding #4 – The proposed parking scheme appears to be appropriately designed because the applicant is proposing 3 separate parking areas each able to accommodate 2 spaces which appears to be sufficient for the proposed use and exceeds the dimension requirements for two standard vehicle parking spaces outlined in the FCZR.

ii. Traffic circulation

Ingress and egress to the camp and retreat center proposed on the subject property will be via a private driveway off of Dillon Road, which currently serves as the access for the neighboring property directly south of the subject property, via a 20 feet wide road and utility easement. The residence on the property has a separate access from that proposed for the camp and retreat center. The site plan shows the driveway proposed as access for the camp and retreat center will be extended via a 20 feet wide 2 track gravel road through the middle of the subject property and will serve as the only means of ingress and egress for the treehouse units. The existing driveway accessing Dillon Road is approximately 16 feet wide and gravel. FCZR Section 6.16.020(3) requires a minimum road width of 20 feet for two-way traffic accessing a business. The applicant will be required to widen the existing driveway to 20 feet to meet county standards for two-way traffic accessing a business.

Dillon Road is a paved, two-lane county collector road within a 60 feet easement. Dillon Road is approximately 22 feet wide and appears to be maintained and given the low speeds on the road there appears to be adequate site distances for traffic entering and exiting the property.

Finding #5 – The proposed traffic circulation does not appear to be appropriately designed because the existing driveway off of Dillon Road would not support two-way traffic which is not adequate given that the driveway would be the sole means of ingress and egress for the proposed camp and retreat center.

iii. Open space

The subject property is approximately 7.098 acres in size and is currently developed as residential with a single-family dwelling, a garage, and three sheds. The applicant is proposing to build three treehouse structures in addition to the existing structures. The existing single-family dwelling covers approximately 1440 square feet, the existing garage covers approximately 1200 square feet and the three existing sheds cover a combined total of approximately 360 square feet. The three proposed tree houses will be identical structures each covering 900 square feet for a combined total of approximately 2700 square feet. The permitted lot coverage in the SAG-10 zone is 20%. The total proposed lot coverage of the subject property is approximately 6,600 square feet or 2.1 percent.

iv. Fencing/screening

Currently there is a barbed wire fence on the back of the subject property where the camp and retreat center is proposed. In addition to the existing wire fence the applicant is proposing installing an 8 feet tall caragana hedge (Figure 5) along the border of the entire back half of the property. The zoning designation and a camp and retreat center do not require any fencing or screening.

Figure 5: Example of proposed fencing/screening.



v. Landscaping

The back western half of the property where the camp and retreat center is being proposed is forested with open space areas around the proposed treehouse sites. The applicant is not proposing any additional landscaping with this proposal. No landscaping is required for the camp and retreat center based on the applicable zoning regulations.

vi. Signage

There appear to be no existing signs on the subject property. The applicant is proposing a single, free-standing sign not to exceed 40 square feet with LED uplighting, placed at the access onto Dillon Road. If it is conditioned that electrical service provided to the LED uplighting for the freestanding ground sign is underground and shall be in accordance with the National Electrical Code; the LED lighting is continuous, stationary, shielded, and directed solely at the sign; the sign is located outside of the right-of-way; and the sign does not exceed more than 28 feet in height it appears the proposed sign would meet the standards outlined in FCZR Section 5.11.

vii. Lighting

New lighting associated with the camp and retreat center would be limited to a single porch light and internal lighting for each of the three treehouse units. The applicant has stated that no additional lighting would be installed on the property or on the proposed walking/skiing trails. The applicant shall be required to conform to the lighting standards set forth in Section 5.12 FCZR and will be conditioned accordingly and inspected after one year.

Finding #6 – The camp and retreat center appears to be adequately designed because the applicant is not proposing any landscaping beyond what is currently present, the applicant is proposing a privacy hedge around the back half of the property although fencing/screening is not required for a camp and retreat center, the proposed lighting will be directed downward as required and 97.9% of the property will be left as open space.

Finding #7 – The proposed sign appears to be adequately designed because it is able to meet standards outlined in FCZR Section 5.11 if it is conditioned that electrical service provided to the LED uplighting for the freestanding ground sign is underground and shall be in accordance with the National Electrical Code; the LED lighting is continuous, stationary, shielded, and directed solely at the sign; the sign is located outside of the right-of-way; and the sign does not exceed more than 28 feet in height.

C. Availability of Public Services and Facilities

i. Sewer

Comments received from the Flathead City-County Environmental Health Department state, “This office has reviewed the information provided and submits the following comments: 1. The proposed addition of three (3) treehouses rented to the public on a short-term basis (less than 30 days) would require review under the Sanitation in Subdivisions Act (MCA 76-4-1). The parcel has an existing Certificate of Subdivision Approval for one (1) single family dwelling with individual onsite water and wastewater treatment. Review requires increased water, wastewater treatment, storm water drainage and solid waste disposal to be addressed. 2. This type of facility requires licensure through the State of Montana for operation of a Public Accommodation. This license must be obtained before operation.” The applicant states, “We will need to install a new septic system for the area or a holding tank.” The subject property is served by an existing drainfield permitted by Environmental Health for 1 single family dwelling. The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health for a septic permit applicable to the camp and retreat center because of the change in use, and the applicant is aware that modifications to the existing septic system or an additional septic system may be required. This will be conditioned and verified after one year.

ii. Water

The property currently utilizes an on-site well and the applicant plans to continue using the existing well for their residence and the three proposed treehouse units. The applicants have stated that their well produces 40 gallons/minute and they are considering a larger pump for the well. Comments received from the Flathead City-County Environmental Health Department state, “This office has reviewed the information provided and submits the following comments: 1. The proposed addition

of three (3) treehouses rented to the public on a short-term basis (less than 30 days) would require review under the Sanitation in Subdivisions Act (MCA 76-4-1). The parcel has an existing Certificate of Subdivision Approval for one (1) single family dwelling with individual onsite water and wastewater treatment. Review requires increased water, wastewater treatment, storm water drainage and solid waste disposal to be addressed. 2. This type of facility requires licensure through the State of Montana for operation of a Public Accommodation. This license must be obtained before operation.” The proposed use will be required to be re-reviewed and approved by the Flathead City-County Department of Environmental Health for a well permit applicable to the camp and retreat center because of the change in use. This will be conditioned and verified after one year.

Finding #8 – The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act and the operation reviewed for a Public Accommodation License to be issued by the Food and Consumer Safety section of the Montana Department of Health and Human Services.

iii. Storm Water Drainage

Currently storm water run-off is handled through on-site absorption and will continue to be handled through on-site absorption in the future. The applicant is proposing to construct three treehouses each covering 900 square feet for a combined total of approximately 2700 square feet, or less than one hundredth of a percent of the subject property. It appears that the negligible increase of impervious surface and storm water run-off created by the development will not alter the current drainage conditions on the subject property. The proposed use will be required to be reviewed and approved by the Flathead City-County Department of Environmental Health in order to obtain a storm drain permit applicable to the camp and retreat center. This will be conditioned and verified after one year.

Finding #9 – The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.

iv. Fire Protection

The subject property is located in the Wildlife Urban Interface and County Wide Priority Area. The request is to allow for a camp and retreat center on the subject property and would not be adding permanent residents to the WUI. The subject property is currently served by the Columbia Falls Rural Fire Department, and is located approximately 2.6 miles west of the existing fire station. Because of the volunteer nature of the fire department longer response times are anticipated. The camp and retreat center would be used on a limited basis and is not likely to hinder the availability of fire protection. No comments have been received from the Columbia Falls Rural Fire Department at this time.

v. Police Protection

The property would be served by the Flathead County Sheriff’s Department. Due to the proximity of the property being located .2 miles off of Highway 40 between the cities of Whitefish and Columbia Falls long response times are not anticipated. The

camp and retreat center would be used on a limited basis and is not likely to hinder the availability of police protection.

vi. Streets

The property has one access via Dillon Road for the existing residence and would have a separate access for the camp and retreat center via Dillon Road. Dillon Road is a paved, two-lane county collector road within a 60 foot easement. Dillon Road is approximately 22 feet wide and appears to be maintained and given the low speeds on the road there appears to be adequate site distances for traffic entering and exiting the property.

Finding #10 – The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be used on a limited basis, the Columbia Falls Rural Fire Department and Flathead County Sheriff provide services to the subject property and the property is accessed off of an adequate roadway for the proposed use.

D. Immediate Neighborhood Impact

i. Excessive traffic generation

The proposed camp and retreat center is anticipated to increase traffic along Dillon Road above the level expected of a single family residential use. According to the Institute of Traffic Engineers trip generation rates for motels during the weekday, 10 trips per rental are expected. With a 3 unit camp and retreat center, the use may generate approximately 30 additional trips per day in addition to the 10 trips generated by a single family residence. While this is more than the traffic trips anticipated to be generated by a single family residence, the applicant has stated and it has been confirmed by staff that the subject property is surrounded on three sides by businesses including a tree farm, a lodging resort, and a welding and fabrication shop. Given the proximity of multiple businesses it would not appear to be uncharacteristic for the area for the property to generate more vehicle trips than a single family residence.

The most recent traffic count by the Flathead County Road & Bridge Department for Dillon Road conducted in August of 2008 showed a total average daily traffic (ADT) count of 867. An additional 30 trips a day anticipated by the camp and retreat center would increase traffic on Dillon Road 3.5%. The Flathead County Road and Bridge department submitted comments stating, “At this point the County Road Department does not have any comments on this request.” Given the existing businesses in the immediate vicinity of the subject property, an anticipated increase of only 3.5% in traffic generation for Dillon Road, and the Flathead County Road and Bridge Department raising no concerns with the proposal, it does not appear that the proposed camp and retreat center would generate excessive traffic.

ii. Noise or vibration

While some noise and vibration will naturally result from camping activities, these impacts will be limited in duration and should not negatively impact the surrounding area. The applicant is proposing quiet hours after 10:00 PM and states that the nature of the retreat would be a quiet, calm getaway setting. Additionally, the applicants state guests who refuse to adhere to the 10:00PM quiet hours will be asked to leave. This will be conditioned to ensure mitigation which would help to reduce the noise impacts on the neighborhood. No vibration beyond what is typical for a residential area is anticipated as a result of the proposed camp and retreat center.

iii. Dust, glare or heat

Based on the submitted application the proposed use is not anticipated to create adverse impacts on the surrounding neighborhood as a result of dust, glare, or heat. The traffic generated from this proposal may create some dust as the existing driveway and proposed addition to the driveway will be gravel. The traffic generated by the proposed use will be consistent with existing traffic levels for the neighborhood and will likely be traveling at low speeds; therefore mitigation (such as oiling) is not required. The applicant has stated that a sprinkler system at the camp and retreat center location will also aid in keeping dust levels down.

iv. Smoke, fumes, gas, or odors

No fumes or gas are anticipated to be generated by the camp and retreat center. While the camp and retreat may have campfires and barbeque grills which could generate smoke and odors, the smoke and other odors would be typical of a single family residence as the campfire area is intended to be a single communal space.

v. Inappropriate hours of operation

The applicant is proposing to have quiet hours after 10:00 PM. Given the semi-rural nature of the property these hours appear to be appropriate for the proposed use.

Finding #11 – The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is only anticipated to increase traffic on Dillon Road by 3.5%, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the semi-rural setting, the use will be limited to the 3 treehouse units stated by the applicant to mitigate impacts and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood.

V. SUMMARY OF FINDINGS

1. There appears to be adequate usable space for the proposed use because the use will only cover 6,600 square feet of the 7.098 acre lot and does meet the applicable setback and lot coverage requirements.
2. The access to the property is not currently suitable for the proposed use because the access off of Dillon Road for the camp and retreat center, which is currently being utilized via a road and utility easement as the access for the property owner adjacent immediately south of the subject property, is only 16 feet in width and a minimum of 20 feet in width is required to accommodate two-way traffic for a business.
3. The subject property appears suitable for the camp and retreat center because the site is absent of typical environmental constraints which could adversely impact or limit the suitability of the property for the proposed use.
4. The proposed parking scheme appears to be appropriately designed because the applicant is proposing 3 separate parking areas each able to accommodate 2 spaces which appears to be sufficient for the proposed use and exceeds the dimension requirements for two standard vehicle parking spaces outlined in the FCZR.
5. The proposed traffic circulation does not appear to be appropriately designed because the existing driveway off of Dillon Road would not support two-way traffic which is not adequate given that the driveway would be the sole means of ingress and egress for the proposed camp and retreat center.

6. The camp and retreat center appears to be adequately designed because the applicant is not proposing any landscaping beyond what is currently present, the applicant is proposing a privacy hedge around the back half of the property although fencing/screening is not required for a camp and retreat center, the proposed lighting will be directed downward as required and 97.9% of the property will be left as open space.
7. The proposed sign appears to be adequately designed because it is able to meet standards outlined in FCZR Section 5.11 if it is conditioned that electrical service provided to the LED uplighting for the freestanding ground sign is underground and shall be in accordance with the National Electrical Code; the LED lighting is continuous, stationary, shielded, and directed solely at the sign; the sign is located outside of the right-of-way; and the sign does not exceed more than 28 feet in height.
8. The requirements for waste water treatment and water for the camp and retreat center appear to be acceptable because the existing individual waste water treatment system and well are in place but both would need to be re-reviewed under the Sanitation in Subdivision Act and the operation reviewed for a Public Accommodation License to be issued by the Food and Consumer Safety section of the Montana Department of Health and Human Services.
9. The camp and retreat center appears to have acceptable impacts on storm water drainage because the storm water will be managed through on-site absorption and the use will need to be re-reviewed by Flathead City-County Environmental Health Department.
10. The proposed use appears to have acceptable impacts on public services and facilities because the camp and retreat center will be used on a limited basis, the Columbia Falls Rural Fire Department and Flathead County Sheriff provide services to the subject property and the property is accessed off of an adequate roadway for the proposed use.
11. The proposed use is not anticipated to impact the surrounding neighborhood because the traffic generated by the proposal is only anticipated to increase traffic on Dillon Road by 3.5%, the use is not anticipated to create noise, vibration, glare, heat, smoke, fumes, gas or odors out of character with the semi-rural setting, the use will be limited to the 3 treehouse units stated by the applicant to mitigate impacts and the proposed hours of operation appear acceptable and will be conditioned to ensure mitigation of impacts to the neighborhood

VI. CONCLUSION

Upon review of this application, the request to allow for a camp and retreat center on the subject property meets many but not all of the review criteria and the Findings of Fact listed above reflect this. After a public hearing and Board discussion, should the Flathead County Board of Adjustment choose to adopt staff report FCU-15-06 as Findings of Fact or amend based on additional evidence and approve the conditional use permit, the following conditions would improve compliance with the review criteria and appropriate measures to mitigate impacts:

VII. CONDITIONS OF APPROVAL

1. The camp and retreat center shall be in substantial conformance with the application materials and site plan as submitted and approved by the Board of Adjustment and modified by the conditions below [FCZR Section 2.06.010].
2. Changes or modifications to the approved use or the site plan shall not be affected unless specifically approved in writing by the Flathead County Board of Adjustment [FCZR Section(s) 2.06.010 and 2.06.020].

3. The camp and retreat center shall be located in accordance with the minimum yard and maximum height requirements of the SAG-10 zoning district, pursuant to Section 3.33.050 of the Flathead County Zoning Regulations.
4. All required off-street parking and driveways associated with the use shall meet the applicable design guidelines and special conditions set forth in the Flathead County Zoning Regulations [FCZR Section 6.01].
5. All lighting on the subject property shall adhere to the performance standards set forth in Section 5.12 of the Flathead County Zoning Regulations.
6. Any sign for the proposed camp and retreat center on the subject property shall adhere to the performance standards set for in Section 5.11 of the Flathead County Zoning Regulations.
7. The proposed privacy fencing/screening shall be installed in conformance to where it is indicated on the submitted site plan.
8. The existing driveway shall be widened to 20 feet wide in order to accommodate 2-way vehicle traffic access to the subject property.
9. The proposed water, wastewater treatment, and storm water drainage systems for the camp and retreat center shall be reviewed as applicable by the Flathead City-County Health Department and approved by the Montana Department of Environmental Quality. A copy of the approved permit shall be available upon request by Flathead County Planning and Zoning.
10. Quiet hours for the camp and retreat center shall start at 10:00PM and end at 8:00 AM and be implemented seven days a week and year round.
11. At the end of 12 months from the date of authorization of this permit staff will inspect to verify compliance [FCZR Section 2.06.060].
12. Due to the nature of the conditions imposed to mitigate impacts to safety, public health and environment all applicable conditions regarding necessary permitting and/or site improvements must be met prior to operation of the camp and retreat center.

Planner: LM